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NAVAJO NATION TESTIMONY

COMMITTEE ON HOUSE
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VOTER IDENTIFICATION FOR VOTING
AT THE POLLS

Native Americans were granted United States citizenship in 1924; however, it was not until 1948 that Native Americans were allowed to vote in New Mexico.

Utah and Arizona also prevented Native Americans from voting until 1948. Since the right to vote has been clarified for Native Americans, there have been numerous issues affecting the ability of Navajo voters to participate effectively in the electoral franchise. There are twenty-two Native American Tribes in New Mexico. The Navajo Reservation extends into three states; the New Mexico portion alone includes parts of six (6) counties. As a result, the Nation spends many hours trying to educate the Nation's members about voting procedures and voting issues.

In 2004, Arizona voters adopted Proposition 200, the Arizona Taxpayer and Citizen Protection Act. Proposition 200 changes the process for obtaining a ballot at the polls to require an elector to provide either a photo identification with an individual's name and address or two other forms of identification with an individual's name and address. Because the new identification requirements for voting at the polls are so demanding to the Navajo people, the County recorders and other organizations are encouraging voters to request early ballots in order to avoid the voter identification requirements at the polls.

The Navajo Nation is concerned with the application of voter identification requirements to Navajo voters. The implementation of the voter identification requirement in Arizona provides us with evidence of the impact of voter identification requirements on Navajo voters. First, not all Navajo voters have the required identification documents as provided in the voter identification requirements of the Arizona Revised Statutes. The statute requires that an elector provide "one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector." For numerous reasons, Navajo Nation members may not have photo identification. The Navajo Nation does not issue tribal identification cards. Other forms of identification without photographs are not common. An individual's "address" on a reservation is not specifically described by a street number, rural route number, lot and block, or metes and bounds. Addresses typically describe the location of a residence by distance from a landmark, such as a Chapter House. The same address can appear in several different formats that may make comparison difficult.

Second, although the law does not specify which types of identification are acceptable, the Arizona Secretary of State has developed a list of identifications acceptable for voting at the polls. It is our concern that other states, including Utah and New Mexico, or federal legislation will create the same or similar list to apply to Navajo electors. This requirement would be difficult for many Navajo voters. According to the 2000 Census, 33% of the housing units lack complete plumbing, 62% lack telephone service, and at least 20% of homes on the Reservation lack access to a vehicle. Over 56% of Navajo households are heated by wood and traditional Navajos living in hogans do not have electricity and do not receive utility bills. Even if a household has a utility bill, that bill will be issued in one person's name. These facts illustrate the problems that the Nation's members will have in providing identification for voting.

Finally, Navajos are at a particular disadvantage with regards to voting options. Navajos turn out at higher rates at the polls than other voters. For example, in Coconino County, 90% of the Navajo Reservation precincts voted at the polls, while only 64% of the non-reservation precincts in that county voted at the polls. Under Section 203 of the Voting Rights Act, Navajo language speakers are entitled to official translation assistance. This type of assistance can only occur at the polls. While other voters may participate in early ballot processes, Navajo voters are less likely to vote early because many Navajos require translation assistance at the polls on Election Day in order to cast their

ballots.

Because of the need for official language assistance, the lack of utilities available to Navajo Nation members, and the likelihood that a Navajo Nation member will not possess the required identification, the Navajo Nation believes that requiring identification for voting will impact the ability of Navajo voters to participate in elections and serve as a barrier to those electors who wish to participate in the electoral franchise. For these reasons, the Navajo Nation objects to the expansion of voter identification requirements to other states.